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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

02/23/2010

MANELLI DENISON & SELTER PLLC

2000 M Street, N.W., 7 th Floor

Washington, DC 20036-3307

EXAMINER

LEMMER, SAMSON B

ART UNIT

PAPER NUMBER

2432

DATE MAILED: 02/23/2010

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/716,564 | 11/20/2003 | Steve Anspach | ANSPACH | 7050 |

TITLE OF INVENTION: ENCRYPTION OF VOICE AND DATA IN A SINGLE DATA STREAM IN A DEPLOYABLE, SECURE COMMUNICATION SYSTEM

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1510 | \$300 | \$0 | \$1810 | 05/24/2010 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 02/23/2010

MANELLI DENISON & SELTER PLLC
 2000 M Street, N.W., 7 th Floor
 Washington, DC 20036-3307

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/716,564 11/20/2003

Steve Anspach

ANSPACH

7050

TITLE OF INVENTION: ENCRYPTION OF VOICE AND DATA IN A SINGLE DATA STREAM IN A DEPLOYABLE, SECURE COMMUNICATION SYSTEM

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| nonprovisional | NO | \$1510 | \$300 | \$0 | \$1810 | 05/24/2010 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| LEMMA, SAMSON B | 2432 | 380-037000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 7590 02/23/2010 | | | EXAMINER | |
| MANELLI DENISON & SELTER PLLC 2000 M Street, N.W., 7 th Floor Washington, DC 20036-3307 | | | LEMMIA, SAMSON B | |
| | | | ART UNIT | PAPER NUMBER |

2432

DATE MAILED: 02/23/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 641 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 641 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/716,564

Examiner

Samson B. Lemma

Applicant(s)

ANSPACH, STEVE

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 01/14/2010.
2. ☒ The allowed claim(s) is/are 1,4-8 and 11-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/14/2010 has been entered. As the result of examiner amendment shown below claim 3 and 10 are canceled. Thus claims 1, 4-8 and 11-14 are pending of which claims 1 and 8 are independent. Independent claims 1 and 8 are amended.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **William Bollman** Reg. No 36,457 on 01/28/2010.

The application has been amended as follows: In the claims

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1. (currently amended) A method of encrypting and transmitting data in a secure communication system, said method comprising:

establishing a first data tunnel over a non-secure public data network;

combining an analog communication data stream and a digital data stream to form a data stream, said combining being performed by a voice-enabled router;

encrypting [[a]] said data stream through a Type 1 encryption unit into an encrypted data stream;

encapsulating said Type 1 encrypted data stream in an IP packet;

establishing a second data tunnel over said non-secure public data network to transmit said encapsulated Type 1 encrypted data stream; and

transmitting said encapsulated Type 1 encrypted data stream through said first data tunnel and said second data tunnel over said non-secure public data network;

wherein a payload of said encapsulated Type 1 encrypted data stream IP packet contains routing information for routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communications device.

3. (canceled)

8. (currently amended) Apparatus for encrypting and transmitting data in a secure communication system, said method comprising:

means for establishing a first data tunnel over a non-secure public data network between a near secure communication system and a remote secure communication system;

means for combining an analog communication data stream and a digital data stream to form a data stream;

means for encrypting [[a]] said data stream through a Type 1 encryption unit into an encrypted data stream;

means for encapsulating said Type 1 encrypted data stream in an IP packet; for transmission

means for establishing a second data tunnel over said non-secure public data network to transmit said encapsulated Type 1 encrypted data stream; and

means for transmitting said encapsulated Type 1 encrypted data stream through said first data tunnel and said second data tunnel over said non-secure public data network;

wherein a payload of said encapsulated Type 1 encrypted data stream IP packet contains routing information for routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communications device.

10. (canceled)

Allowable Subject Matter

4. **Claims 1, 4-8 and 11-14** are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. Referring to **the independent claims 1 and 8 the art on the record discloses the limitation recited in the claims before the claims were amended.**

For instance, Notel, the primary reference on the record discloses a method of encrypting and transmitting voice and data together in a secure communication system [Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"], said method comprising:

- **Receiving analog communications from a first analog communication device; [See figure 1, "i2004"/See Telephone Handset/analog device]]**
- **Receiving data communications from a computing device; [see figure 1, "Teleworker PC"/or "i2050PC"]**
- **Combining said analog communication and said data communications to form a single combined data stream (See figure 1 and 2 and page 2, column 2)**
- **Encrypting said single combined data stream through encryption unit into an encrypted data stream; [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] and**

- **Encapsulating said encrypted data stream in IP packets for**

transmission;*[Page 2, column 3, 1st paragraph, such analog*

*communication device is included in VOIP communication. Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow converting VOIP to analog signal so that voice which is coming/received could be heard. For instance **USB phones** does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way.*

*Furthermore **Broadband Analog Telephone Adapters ATA** also is used to convert VOIP received at Your PC so that you can use your conventional Telephone Handset/ analog device to conduct VOIP remotely. As the name implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset. Furthermore the headphone which can be connected to the any personal computer could receive VOIP remotely and convert such signal to the analog signal so that remote video conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.)*

and

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream** *(Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload. See also RFC 2406 IP Encapsulating Security Payload November 1998)*

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

However, in the same field of endeavor "L-3", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device. [See for instance the attached document of the L-3, "Capabilities" under Secure WAN: LAN to LAN how L-3 provides versatile solutions that supports both voice and data requirement over new and existing network services and on it also

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indicated how Type 1 encryption is used. Furthermore it has been disclosed how L3/OMNI using the digital network interface (DNI), can be configured between two serial routers, each of which interfaces with a LAN and in that configuration see how L3/OMNI permits LAN-to-LAN encryption **without losing or exposing address information.**

Furthermore it has been disclosed that IP services such as voice/FAX/DATA and videoconferencing over IP is provided and this implicitly includes all the above limitation].

However Independent claims 1, 8 have been amended and incorporated/added the following limitations **“establishing a second data tunnel over said non-secure public data network to transmit said encapsulated Type 1 encrypted data stream; and transmitting said encapsulated Type 1 encrypted data stream through said first data tunnel and said second data tunnel over said non-secure public data network;”**

None of the prior art of record taken singularly or in combination teaches or suggests applicant's invention in particular a specific **method of encrypting and transmitting voice and data together in a secure communication system** comprising the above functional limitation including the other limitations recited in respective independent claims 1 and 8.

For this reason, independent claims **1 and 8** are found to be novel and are allowed.

7. **The dependent claims which are dependent on the above independent claims 1 and 8** being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am --4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/Samson B Lemma/
Examiner, Art Unit 2432

/Jung Kim/
Primary Examiner, AU 2432